

FARMINGTON CITY COUNCIL MEETING

February 2, 2016

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, Brigham Mellor, Cory Ritz and Brett Anderson, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

Mayor Talbot offered his condolences to the family of Jasmin Jeppson, whose tragic death happened due to a carjacking that began in Kaysville. He thanked Brigham for representing the City Council, along with the Youth City Council, at the Local Officials day at the State legislature. He said there is one large public hearing on the agenda related to the annexation, and he will hold the commenters to the 3 minute time limit.

Annexation of 20.2 Acres of Property—Residences at Farmington Hills Subdivision

Eric Anderson said there are two applications at work, the subdivision application and the annexation of the 20 acres on the east portion of the property. There are two potential decisions related to the zoning; the applicant has requested that it be zoned to LR, instead of the default A, which would match the surrounding property. The consideration for this evening is the annexation; the preliminary plat is at the Planning Commission. They tabled their decision on preliminary plat for the time being to allow Jerry's team to do some additional deeper borings. The Planning Commission recommended approval of the annexation, and denial of the request for LR zone designation so that the City will not be stuck with that zoning designation if Jerry and his application go away for any reason. Staff feels it should be zoned LR to match the surrounding properties, which would also be consistent with the General Plan. In either case, the City would still have the ultimate trump card and could decide not to sell its strip of property; at that point the applicant would not be able to connect the roads within the development, which would violate the City ordinance indicating that dead end streets cannot exceed 1000 feet. **Mayor Talbot** clarified for the Council that the item being considered is annexation and not preliminary plat; however preliminary plat can be discussed since both items go hand in hand.

Eric Anderson said the City's building official sends every geotech report to a third party structural engineer to make sure the buildings will mitigate any potential risk. The engineer conducted his normal third party review, but the Planning commission felt it would be helpful to have another official geotech review it. AGECEC was hired, and their report is included in the packet. Jerry and his geotech from GeoStrata met with the geotech from AGECEC, and determined to complete additional borings at a deeper level, to see if there is any clay in the soil. The original borings at 15-20 feet did not have any clay. Water can settle on the clay, which creates the potential for slides. **Chad Boshell** said the additional borings will be beneficial when/if the development moves forward. **Jerry Preston** said the borings have not been completed yet due to weather. **Doug Anderson** asked if the borings need to be a condition of annexation. **Eric Anderson** said the Planning Commission wants to see the borings before they approve preliminary plat, but the Council's decision depends on how

comfortable the Council is moving forward. He said there are three options: open and close the public hearing and table the decision, continue the public hearing until the borings are completed, or act on the annexation, with conditions if needed. **Mayor Talbot** said there have already been numerous public hearings on this item, and his preference would be to move forward with the public hearing and close it. There is a failsafe that if the preliminary plat does not go forward, the annexation is null and void. **Dave Petersen** said there could be a condition directing staff to make the effective date of the enabling ordinance conditioned upon preliminary plat approval and indicating that the Council wants to see it at the next meeting. **Mayor Talbot** said based on past experience, he did not want to grant a zone change if it is not certain that the development will go in; however after talking with staff, he is comfortable with the zone LR. **Dave Petersen** clarified it is a zone designation, not a zone change. **Mayor Talbot** asked the Council to remember during the public hearing comments that property owners have rights, and are allowed to go through the process. **Dave Petersen** said they anticipated a large crowd at the Planning Commission meeting, but there were only 10-12 attendees. He said this public hearing could go either way. He said one citizen asked him if the City would consider purchasing the ground, and he said the Council should anticipate that being brought up tonight. **Mayor Talbot** said he does not believe the City has the ability to do that, and has other developments it needs the money for.

Brigham Mellor asked if the Planning Commission is making the decision for Jerry to have the zone go to the default of Agriculture, when that is not what he is applying for. **Dave Petersen** said yes. **Eric Anderson** said it is more a denial of his request for the zone LR and having it go to the default, than it is choosing the zone for him. **Brigham Mellor** said there was a point in the report saying it does not address landslides, which is a big question for him. **Doug Anderson** had the same question. **Dave Petersen** said the report does address landslides, but it is not in the packet. **Eric Anderson** said Jerry and the geotechs at GeoStrata have agreed to do additional studies that may not have been included in the first place. **Brigham Mellor** said the report from AGECE does not indicate that the development is safe to move forward. He wondered if that approval was communicated verbally, but not in the report. He wondered if tabling the item would be appropriate. **Dave Petersen** said that information is not included because the borings have not been done. **Bret Anderson** asked if any geotech has said they should not build on the hillside. **Eric Anderson** said no.

The Haws Company (THC) Development Agreement Amendment

Mayor Talbot said there was quite a bit of discussion years ago about the pylons. The developer installed one sign, however UDOT said the pylon was in violation because it was too close to the roadway. With Cabela's so close to being finished, they understandably want their signage up. The City participated in meetings with attorneys and representatives from Cabela's, and reached an agreement where one pylon sign will be left up (instead of the originally approved two), but it will be further back from the road. The sign for Cabela's will be on the top. The Planning Commission felt it would be better to have three panels with up to six signs, for aesthetic purposes. He feels it is a win for the City, and is a reasonable compromise. **Dave Millheim** received confirmation in writing from both McDonald's and Cabela's that they are in agreement with the signage changes. The proposed solution is expensive for the developer since they have to move the signage, but it is a way to move forward in a positive way. **Mayor Talbot** said it clarifies in the amendment that only one sign is allowed. **Brigham Mellor** opined that this is the best outcome: having only one pylon sign and having Cabela's here. **Doug Anderson** asked if The Haws Company, or even YesCo,

knew about this violation. A representative from The Haws Company said they were not aware of the violation. **Dave Millheim** said UDOT is targeting various signage violations throughout the state. He asked if the Council wanted a detailed staff report, and **Mayor Talbot** said no. **Dave Petersen** said as a housekeeping item, for the Haws Company agenda item, under recommendations, #2 add “; *and any unused panel space will not be lit up at night.*”

Melanie Monson also mentioned that on the Summary Action agenda item, the approval of the City Council minutes should be from January 19, 2016, and not for January 5, 2016 as it is written.

Mayor Talbot suggested that the Council to give Amy Shumway a standing ovation for her efforts. He said she will be bringing some of her homemade bread to the meeting to allow the Council and the public to sample it. **Dave Millheim** asked the Council to individually share their thoughts on her efforts. He also said several local businesses will be giving checks to the City towards this project, and that a local news station will be at the meeting to cover her presentation.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, Brigham Mellor, Cory Ritz and Brett Anderson, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by Councilmember **Cory Ritz** and the Pledge of Allegiance was led by Boy Scout **Porter Brown** from troop 283.

Mayor Talbot thanked the youth City Council for all they do to assist the City, particularly with events such as Festival Days. He thanked Brigham Mellor for attending the Local Officials Day at the State legislature with them.

PRESENTATIONS:

Update for Pedestrian Overpass on Park Lane

Mayor Talbot said that once in a while there is a person who has great vision for getting something accomplished, and Amy Shumway is one of those people. A couple of years ago, she had a dream of providing a pedestrian overpass to connect the west side of Farmington to the east side, which would allow people to walk or ride their bikes across Park Lane to Station Park, to the trails, or to the train station safely. He offered his appreciation for her extraordinary efforts to make this bridge a reality. He turned the time over to her to make a presentation. **Amy Shumway**, a Farmington resident and member of a transportation steering committee, said residents and local businesses do want safe access for pedestrians and bikes. She referenced a survey that went out, with over 1000 respondents. The number one comment was safer access to Station Park, the trails and the train station. She said over the past 2 years,

she and her boys have sold loaves of whole wheat bread, and she has donated \$1 from each loaf to help build this bridge. She said she brought some of her homemade bread to say thank you to all those who have listened to help make this a reality. She said she has worked with many government officials, and she thanked Dave Millheim, Dave Petersen, and others from the Chamber of Commerce, County Commissioners, UDOT, Senator Stuart Adams, and her husband for their support throughout this process. She said because Senator Adams is on the transportation committee, his support has been key. She said as a committee, they need the City's support to get this bridge built quickly, primarily for the safety of residents. She said there are many youth who want to work at Station Park or Lagoon, and want to be able to walk or bike there. Many families also want to be able to safely walk or bike over to enjoy Lagoon or Station Park for family outings. She said the City has listened to her concerns, and she appreciates that. Funding is the issue at this point. She and her boys presented a check to the City for \$1000. **Dave Millheim** said for the record, the Mayor's acceptance of this check is evidence that it will be used for the intended purpose and cannot be earmarked for any other purpose. **Mayor Talbot** thanked Amy for her exemplary attitude, tenacity, and kindness, and stated that he has enjoyed watching this process. **Amy Shumway** said she asked several local business to match her donation. **Spencer Shumway** presented on behalf of Dr. Earl Judd from Wasatch Pediatrics, who donated \$500 and encouraged the development of this bridge to encourage an active lifestyle and to connect the community. **Deena**, the office manager from Mountain View Pediatric Dentistry, along with their moose mascot, came to present and donate \$1000. They support this bridge to help make healthy kids and healthy smiles. **Keith Norris**, representing Bountiful Bicycle, presented a check for \$500. **Dharmesh Ahir** from the Hampton Inn in Farmington, donated \$1000 toward the bike path. He said they have many families at their hotel each year who ask if they can walk over to Station Park. He said he supports this bridge. Ryan Locke, a resident of Farmington and member of the Trails Committee. He said the Trails Committee supports the project, and he personally supports it, and he donated \$20. **Jonathan Ball** donated \$300 to the project on behalf of a family who lost a loved one at the Park Lane crossing. **Amy Shumway** asked the City and the County to match the funds that have been raised. She thanked the City for the great response she has received. **Dave Millheim** said the County received \$2 million from Prop 1 funding, and with only 32 miles of roadway, he hopes some of that money can be used in Farmington for this project. **Mayor Talbot** said the Council will discuss this tonight and will get back to her about the amount the City can donate toward this project. **Cory Ritz** recalls when Amy first came before the Council with this idea, and expressed his appreciation for her dedication to this project. **Doug Anderson** said he appreciates the passion she has brought to this project, and credited her with bringing community members together to donate toward this project. **Brigham Mellor** said at their recent trip to the legislature, people they interacted with wanted to talk about Amy Shumway and this bridge project, when they usually want to discuss Station Park. He said this goes beyond making bread, it has become an absolute need for the community. He said he is committed to see this come to fruition. **Brett Anderson** said he met Amy Shumway when he was campaigning, and he remembers thinking she is a person with fire in her belly. He said having sold at least 1,000 loaves, she has literally made a ton of bread. He said he likes to see people propose solutions and not just identify problems. He applauded her efforts. **Dave Millheim** said this evening is an important step in taking this from the idea stage to the reality stage. He encouraged citizens to contact legislators in order to help them see the serious need to assist with funding this project. **Mayor Talbot** called for a brief recess for the audience to enjoy some bread that Amy Shumway brought.

At 7:52, **Mayor Talbot** called the meeting back to order and asked the audience to sign up for the public hearing, to keep their comments to 3 minutes, and to not repeat comments that have already been shared.

PUBLIC HEARINGS:

Annexation of 20.2 Acres of Property—Residences at Farmington Hills Subdivision

Eric Anderson said there are two applications regarding this project. One is for subdivision, which is currently at the Planning Commission for preliminary plat. The second is for annexation, which is being considered tonight, which includes a zoning designation. The Planning Commission recommended approval of the annexation but recommended denial of the zoning designation LR, and recommended the zone designation of A. Staff differed, and agrees that it makes sense to designate it as LR. The Planning Commission worried that if the zoning designation of LR is granted, and the applicant for some reason goes away, the City would be stuck with that zone. The Planning Commission tabled this item while waiting for some additional geotech reports. The City hired a third party geotech company, AGEC, to review the work done by GeoStrata (the geotech hired by the applicant). The primary recommendation was to complete some additional borings, which have not been completed yet. The Planning Commission is going to table the decision on preliminary plat until those have been completed. The three options tonight are to hold the public hearing but table the decision, to continue the public hearing, or to act on the annexation with the added consideration of the conditions discussed during the work session. If the Council does act on the annexation, staff is recommending approval. **Mayor Talbot** asked for some more detail on the geotech studies. **Eric Anderson** said GeoStrata looked at the soil conditions, the hazards including the fault lines, which indicate the stability of the property. Excerpts are included in the packet. The applicant agreed to complete all additional items identified when he met with GeoStrata, staff and AGEC. Staff is confident to move forward with annexation based on these items being completed. Preliminary plat will likely be tabled at the Planning Commission meeting this Thursday since the borings have not been completed.

Jerry Preston, Elite Craft Homes, 177 North Main Street, Farmington, Utah. He has been in the building business for 42 years, and has not had a project “microscoped” as much as this one has been. He understands the reasons, and agrees that the more studies that are done, the better. He said if some clay is found through the borings, it will impact how they shore up the homes and roads; however he said the home and road designs already reflect the nature of the landscape. He asked the Council to accept this application to allow this project to move forward.

Mayor Jim Talbot opened the public hearing at 8:03 p.m.

Kirt Garrett, 135 East 100 North, Farmington, Utah. He thanked the Council for the opportunity to speak. He said he would like to know what people who are in favor of this development will financially gain from it. He said he is in favor of property rights and trails access, but trails access is a reason he is opposed to this development. He said if there needs to be a geotech study, the answer should be a given. There are developments that have had geotech studies that have failed. He said the City does not have to approve the annexation. He said people often bring up the rights of those who want to develop their property, but he asked

about the rights of those who have already made investments, who will be affected by the development. He thanked the Council for their service. He is against the annexation.

Melville Booth Held III, 1085 Quail Valley Drive, Provo Utah. He is representing his parents, who live on 112 North 200 East, Farmington, Utah. He said he knows Jerry as a family friend and knows he builds quality homes. He said his parents are concerned about an increase in traffic, and about what the development will do to the face of the mountain as the roads are put in. His mother was especially concerned about where the Wasatch Fault runs. He said his parents are against the development.

Alan Moss, 556 South 175 West in Layton Utah. He is a co-owner of the property in question. He stands to gain the same as what anyone stands to gain who owns property. He would like to see the annexation go forward, and acknowledged that the annexation is conditional upon the preliminary plat approval. He said people have been walking all over the property and trails for years, but as a property owner he has been paying taxes on that property for years and would like to exercise his right to develop it. He thinks the people who would move in will be high quality citizens to add to the community. He is in favor of annexation.

Brandon Arrington, 1268 St. Andrews Drive, Farmington, Utah. He was born and raised in Farmington, and has continued to live and work here. He said when he was growing up, a new neighborhood went in amidst much opposition. He felt fortunate to have a neighbor move into that development who had a full court basketball court that he and his friends enjoyed playing on. One evening that homeowner asked them to go home when it got too late, but they were able to come back again and again. That homeowner was Mayor Talbot. He said even though there was opposition to that development at the time, the families who moved in are great citizens who contribute to our town. Despite longing for the simpleness of the past, by embracing these opportunities we will allow other great citizens the opportunity to live in Farmington. He supports the annexation.

Alisa Crowell 232 North 100 East, Farmington, Utah. She and her family moved back to Farmington specifically for its convenient location and immediate access to the beautiful mountains. International and out of state friends are in awe that they live near undeveloped foothills. When Jerry offered to sell the property, she and her husband decided to incorporate a non-profit called Compass Farmington, with the goal of preserving the property as Natural Park. She said they are partnering with many companies and organizations to raise funds to buy this property. She invited the Council and staff to attend the gala and other events they organize in an effort to preserve these foothills. She is against annexation.

Carolie Parker, 133 East 300 North Farmington, Utah. She has attended several hearings, and is not sure if her concerns are being weighed. She wondered if the City or others involved in the decision stand to benefit from this development. She wondered how much risk the City is willing to undertake on behalf of the neighboring residents and tax-payers. She cited numerous concerns about the geography/topography, the water use of the new development, water flowing downhill toward their properties, existing water flow problems along 200 East, etc. She urged the Council to not give in to seemingly good ideas that may not stand up in the long term. She is against annexation.

Gary Harris 548 North 200 East, Farmington, Utah. He has attended several meetings, and knows there has been a lot of talk about geology. He said the geotech study indicated it should be ok to build on the property, but a professor from the University of Utah recommended against building on the property. He bought up the concept of setback, in this case how far away structures should be from a fault line. He said the geotech study recommended a setback of 20 to 28 feet, which is half of what California requires as a minimum (50 feet). He wondered why the City would consider building closer than that minimum recommendation to the fault line. He said in addition to the borings, he would like to have the geotechs answer his question. He said he supports Compass Farmington. He is against annexation.

Terry Tippetts, 435 North 200 East, Farmington, Utah. He is a licensed electrical engineer. He works on sub stations. He said as his employer considered where to build a particular station, they discovered that the Wasatch Fault ran through the property under consideration in North Salt Lake. He said his company invested several hundreds of thousands of dollars in change orders, in order to not build on or even near the fault. He emphatically stated that you simply do not build on a fault, and opined that it is as clear as that. He said the geotech reports never explicitly say you can build on the fault. He said if the development is approved, the Council will be incurring a liability for the entire City of Farmington in years to come. He is against annexation.

George Chipman 433 South 10 West Farmington, Utah. He commended the City for being thorough, and getting studies from both sides as well as from a third party. He wants to make sure that if the development goes in, it will be safe. He said there have been rumors that this development will close off access to the trails; he spoke with the Mr. Preston, who assured him there will be trails access throughout this development. He said if Jerry does not develop this property, it is likely that someone else will develop it. If the studies come back indicating it is safe, he thinks the City should allow this development to go forward. He is in favor of annexation.

Bert Margetts 500 East 200 South, Farmington, Utah. He has been a resident of Farmington for 33 years, and he is a small property owner in the proposed development. Many who are not in favor of the development are his friends and neighbors, and live close to the proposed development. He said he would never want to encroach upon or damage the property of his friends and neighbors. He is happy to see that the geotech studies have been completed, as required by the Planning Commission. The purpose of the zoning laws is to put similar things together within the City. The proposed zone of LR is concurrent with the existing properties, and he is in favor of it. He is in favor of this development, pending the geological studies being completed, and is in favor of annexation.

Melissa Clark 217 North 100 East, Farmington, Utah. She said she is the voice of those who are afraid of speaking and of the average household. She said she is a supporter of Compass, the nonprofit trying to preserve the land. She said the founding fathers of Farmington, and the City officials used to make decisions based on what is best for the community. She said the Council has an obligation to make decisions based on defensible fact. She asked how the community as a whole would benefit from the annexation and the zone change.

Hannah Gibson-White, 375 North 200 East, Farmington, Utah. She is opposed to the annexation. Her father is a contractor and she grew up on building sites. She referenced a song about a wise man building his house on a rock and a foolish man building his house on the sand. She said even young children know better than to build on a questionable foundation. Owning land does not give a person the right to do whatever they want with it. She said that property rights were created to protect the property owner and their surrounding neighbors. She said investing in land and paying taxes on that land does not require the City to change the zoning just to bring about a desired outcome. She said no one is arguing that the families who move into the homes in the proposed development would be welcomed and a great addition to Farmington. What is being argued, is whether this is the best choice for the land. Even the owner has moved away from the original building site. She is concerned about the safety of the land and annexing it into our town. The proposed area is known as the gravel pit, or the sand pit, and another homeowner who built in the 1970's had to dig his foundation twice as deep, and his property is lower than the proposed development. She said the City has more than the three options listed at the beginning of the meeting. She said the Council could keep the land agricultural to get a better tax payment, they could listen to the people who have shown up to countless meetings to protest this project, they could get behind the Compass organization, etc. If the Council approves annexation, she said she wants them to explain in detail why they chose annexation. She said it is their job to do not what they want, but what is best for the City. She urged them to not move forward with annexation.

Bob Hawks 151 and 155 East 300 North Farmington, Utah. He appreciates the Council and everything they have done. With his wife having just run for City Council, he appreciates all they do. He agrees with what has been said thus far, and wanted to ask why this property has not been annexed prior to now, why it has been left unincorporated for so long, and why it has not been part of the City plan thus far. He wants the City to be sure they know they are on the hook for whatever happens. He opposes annexation.

Heidi Duke, 82 West 600 North, Farmington Utah. She does not live close to the development, but lives in a green area. She is worried that by losing a lot of agricultural land, we will lose our namesake. She said the City Charter states if there is an interest in agricultural land, the City is supposed to protect and preserve it. She asked the Council to do that as part of our namesake. She asked if there is any kind of line that will be drawn that the City will not build past.

Cory Crowell 232 North 100 East Farmington, Utah. He said the newly incorporated Compass organization is about the community coming together to preserve the land above these citizens. He referenced the home that slid off the mountain side in North Salt Lake and does not want to have to tell a similar story about Farmington. He would like to be able to tell the story of a community coming together, of a developer who generously offered to sell the property at a discount, a Mayor who in spite of being a commercial developer by trade was willing to answer the call of the citizens to protect the citizens from a disaster, a Council who chose to preserve these precious foothills that stand as beautiful backdrop above historic Farmington, and who not only looks to development, but quality of life for its citizens. He wants to stage a press conference with corporate sponsors, residents, and with the Mayor and Council supporting it. He committed to working just as hard to give the Mayor, City Council, and Elite Craft Homes a positive image in the media, as he has to preserve this land. He asked

the Council to allow him to frame the conversation this way. He handed the Mayor a letter from Nathan Stock, a Farmington resident.

Jonathan Ball, 710 South 650 West, Farmington, Utah. He, like many who live here, enjoys the free space. He said he came before the Council several meetings ago with the 4-H club when they had donated millions of pounds of meat to the Food Bank. He said he came to Farmington to be able to raise animals, but his property was developed. He wants to see the property remain open. He said he personally and professionally has great respect for Jerry. He proposed creating open space for raising animals and going on trails. He acknowledged that this is not a high density development, but stated his preference for the Compass option. He is opposed to annexation. He said however that if the development goes forward, he trusts Jerry's judgement in developing the land.

Mayor Jim Talbot closed the public hearing at 8:48 p.m.

Mayor Talbot turned it back to the Council for discussion/questions. **Doug Anderson** asked more about the Compass organization and said he would like more detail about it. **Brett Anderson** asked if we have the guiding principles that the Council is supposed to consider for annexation. He said he did not find them in the code book. **Dave Petersen** said there is an annexation declaration that indicates what property is intended to come into the City, and we work with adjoining cities. The property owners trigger the annexation when they apply to develop their property. **Dave Millheim** said the annexation declaration is a road map or boundary to give them an idea of what the buildout of the City will look like one day. This property is within those boundaries. **Dave Petersen** said it has not been annexed thus far is because the property owners have not applied to developed it. It has to be requested by a certain percentage of property owners who own a certain amount of the property. Back in June, when they began the petition, Holly had to determine if there were enough property owners to reach critical mass. But for this petition, 100% of the property owners signed it. **Brett Anderson** asked if there are any statutorily mandated factors the City has to consider, as far as considering any benefits to the City. **Dave Petersen** said as far as the City goes, no; however there are affected entities, such as the Sewer District, Weber Basin, the Mosquito Abatement District, etc. who have the opportunity to say if they can or cannot service this area. There were no comments during that time, and the City did not comment because it can service this area. The development would add taxes but the citizens in that area as is do not fully pay for the services that are provided to them. **Dave Millheim** said almost all residential developments are subsidized by the City. The City does not have high property taxes because it is starting to develop a commercial tax base. **Dave Petersen** said one of the primary reasons the City turned a corner in the early 2000's was because the City prioritized single family residential homes. He said it is worth considering whether these homes will add benefit from the City or not. **Brigham Mellor** asked if the Council approved the zone as A if there would need to be a zoning change down the road to LR. **Jerry Preston** said they can make the development work if it is zoned as A, with a few minor tweaks. He said it has been master planned as LR, and that would match the surrounding area. **Brett Anderson** said he was at Scout Camp during the initial Planning Commission meetings. He asked if in Jerry's mind there are outstanding issues from the GeoStrata report that AGECE pointed out that still need to be addressed. **Jerry Preston** said they have identified exactly where the fault line is, and will

build around it, and not on it. He said these additional borings are just going to double check and reassure the results they have already gotten. If there are any springs or clay found, it will change how they build the road, but they are already planning the development based on the geography. He said studies are more in depth today than studies that were performed prior to developments that failed many years ago. **Brigham Mellor** said staff and others have communicated with AGECE, but he has not seen a response from AGECE in writing that they are comfortable moving forward. He said he is going to recommend tabling this item for that reason. His primary concern with moving forward is safety. He was concerned about fire potential, but those concerns were addressed and resolved for him. He was also concerned with slope issues, and does not feel like those concerns have been resolved. Another concern he had was the aesthetics, but did not feel comfortable making a decision based solely on that. He said the City does not stand to gain from a tax standpoint from these homes being built. He said he feels the residents who move into these homes would fit into the City. He said he respects many of those who spoke in favor of annexation (staff, George Chipman, Jerry Preston, etc.), but he would need some of his concerns to be addressed before he would be comfortable moving forward.

Cory Ritz said this is not the preliminary or final plat approval, and the concerns expressed by AGECE will be addressed prior to approval of the site plans. He said this property has always been a part of the bigger picture of Farmington, in terms of annexation. He said the question of whether to annex it or not is the question being addressed tonight. He said it is not in the cards for the City to purchase the property. The City has already acquired 55-60 acres of property in west Farmington to be developed into parks with an active intensive use. While such a natural park would certainly have value, very few would actively be able to use a park like the one being proposed by Compass. He does not think it would be wise for the City to invest in a park that so few would actively use. He agreed with Brigham that there is not any concrete benefit to the City from any resident's home being built. All of this angst comes about because of a home that slid off the hill in North Salt Lake. This particular piece of property has been hashed out more than any other project he has seen. He does not think the nursery rhyme test of building on a rock or on sand holds any weight in the state of Utah because either foundation would be affected by an earthquake. He said the remaining questions and outstanding engineering issues will be answered. The City holds the ultimate trump card. He said he is ready to make a motion.

Doug Anderson said he leans a lot on the emotional aspects of the City of Farmington. He just hiked around the property in question with his kids, and thought about how he would not be able to do that if the property is developed as proposed. He said he thinks Jerry Preston is one of the best citizens, and has gone above and beyond in doing everything asked of him. But he is having a hard time disconnecting from the emotion of it. He said to Cory that if the Council moves forward on the annexation, they will not see this item again, because the Planning Commission will take care of preliminary plat. To those who have been upset over the possibility of people profiting on this development he stated the reality that during the development of this property, there would be an exchange of money, which is the American dream. He reiterated that they are not going to build on a fault, and although California has more stringent setback requirements, the standard is not the same here. He said he is not completely for or against it.

Mayor Talbot clarified that the Planning Commission will make the decision on preliminary plat, which **Dave Millheim** confirmed. **Mayor Talbot** said the Council would be interested in the results of the boring. **Brigham Mellor** asked if the results of the borings would affect others' decision on annexation. **Mayor Talbot** said it would certainly affect the

decision on preliminary plat, but not annexation because the City would like to bring that ground into the City regardless. Additionally, if preliminary plat is denied, the annexation will not go through, because it is a condition. **Dave Petersen** said they can also put the effective date 15-30 days after preliminary plat to allow for an appeal. **Dave Millheim** said he would anticipate an appeal, from any vested party, during that timeframe, which would come before the Council. In a normal annexation, the City just looks at whether it can be serviced, and at the zoning. In this case, because of the hypersensitivity about the development, the annexation has been tied to the preliminary plat. There are multiple steps to go through before this could be finalized. The City has gone above and beyond normal procedure with this. **Brigham Mellor** said he realized that a plan does not have to be fully vetted before it is rezoned, and he said the City has the prerogative to approve or deny zoning based on any circumstance. However he likes to have a plan before him that is unlikely to change before amending the zoning. He appreciated seeing that the setbacks are keeping the homes away from the firebreak road on the updated plans from Jerry.

Cory Ritz said the only way to get through this issue is to move forward, and said you have to trust the process. There are multiple check points in the process that could stop the development from going forward if something of concern arises. Most annexations are much less detailed than this has been. He said the first step in trusting the process is to allow the annexation to move forward. **Brett Anderson** said since safety is a big concern, and since this will not come before the Council again, there has been a lot more detail. **Cory Ritz** said that in order to allow the process to play out, the Council has to say yes to the annexation and then trust the Planning Commission with the platting process. **Brett Anderson** said that he senses the unspoken desire is to be a part of that process too. **Mayor Talbot** said one thing he loves about Farmington is that there is an opportunity to debate the issues as a community. He can tell that people care. **Dave Millheim** said the City is an interested party, and suggested that the Council direct staff to give them the full and complete packet that the Planning Commission receives with the results of the studies. They could then include in the motion that any Council member could file the appeal. This could help meet their oversight goal, while not throwing out the baby with the bathwater. **Jerry Preston** suggested that he pull back his request until after the drillings have taken place, and until after the Planning Commission has made a recommendation on preliminary plat. **Dave Millheim** said in that case they would move to table action on the annexation application until they receive action from the Planning Commission on preliminary plat. **Cory Ritz** said this generous offer from Jerry should show the residents the quality of developer they are working with. **Mayor Talbot** said pushing this forward is what allowed the tests to take place. It is not for gain, it is to see if the process is right. That is why he initially voted in favor of this moving forward. He appreciates the process that has taken place, and everyone has worked hard to look at the facts before making a decision. **Dave Millheim** said he wanted the record to reflect that this is not our normal process for considering developments.

Motion:

Cory Ritz made a motion that the City Council table action on this item until such time as the Planning Commission has taken action on preliminary plat and the Council has full access to the final engineering studies and results.

Brigham Mellor seconded the motion which was unanimously approved.

Mayor Talbot called for a brief recess.

The Haws Companies (THC) Development Agreement Amendment

Dave Petersen said this was discussed at length during the study session. He reminded the Council to include the additional item if they want to take action on this item. He reviewed the several options for the sign. The Planning Commission and staff recommend option one.

Mayor Jim Talbot opened the public hearing at 9:52 p.m.

Mayor Jim Talbot closed the public hearing at 9:52 p.m.

Brigham Mellor said it has been a while since the Haws Company has been before the Council. He acknowledged the history they have with the City and stated that he is happy with where the relationship is now. He hopes the Haws Company and the City continue to work well together in the future.

Motion:

Brigham Mellor made a motion that the City Council approve the THC request as set forth in the enclosed First Amendment to Supplemental Development Agreement For The Park Lane Commons Project subject to the condition that the applicant place a sign for Cabela's on the top most prominent area of the structure (except for the smaller wording which identifies the project) as shown in the attached Exhibit D; option one is the alternative approved by the Council; and any unused panel space will not be lit up at night.

Brett Anderson seconded the motion which was unanimously approved.

Findings:

1. Cabela's is a regional use and a major tenant, and freeway signage as proposed is appropriate for such uses.
2. THC is reducing the number of pylon signs from two to one.

NEW BUSINESS:

AAA Construction to Construct the 350 East Storm Drain Project

Chad Boshell said City staff has designed and bid the project out, which is to install a storm drain line along 350 East to 200 South. They will be able to eliminate the back yard side lot storm drain that goes down that block, which has caused problems over the years with flooding. **Brett Anderson** asked what happens to the existing storm drain. **Chad Boshell** said

they will leave it in place for now to prevent flooding from any unknown existing drains that have tied into it. He said the City will investigate it at a future point. **Dave Millheim** asked the Council to look at the bid. **Brigham Mellor** asked if the City's practice is to always go with the low bid. **Chad Boshell** said much of the time the City does take the lowest bid, unless there is a compelling reason not to. He contacted Clinton City who had good things to say about their work. He said there were some concerns about slow work, but it was not substantiated by any other clients he spoke with.

Motion:

Doug Anderson made a motion to approve the contract and bid from AAA Construction for the construction of the 350 East Storm Drain Project in the amount of \$116,697.80 to be paid from the storm drain utility fund.

Cory Ritz seconded the motion which was unanimously approved.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Resolution in Support of Students Against Electronic Vaping (SAEV) Coalition and Legislation to Tax and Regulate Electronic Cigarettes
2. Appointment of City Council Members to Various Committees
3. Kestrel Bay Townhomes Subdivision Improvements Agreement
4. Asset Management Policy
5. Approval of Minutes from January 19, 2016

Motion:

Brett Anderson made a motion to approve the items on the Summary Action List 1-5, amending item 5 to be Approval of Minutes from January 19, 2016. **Doug Anderson** seconded the motion which was approved 4-0 for items 1-4, with Cory Ritz abstaining on item 5 because he was not there.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

1. Executive Summary for the Planning Commission meeting held on January 21, 2016
2. Citizen Complaint regarding Activities in Conservation Easement: there is a citizen who has threatened legal action about draining on a conservation easement. The City is looking into it, and he recommended the Council not engage with the citizen as the City Attorney investigates it.
3. Update on Farmington/UTA Shuttle: There has been a free loop shuttle during the summer going around the City and to Lagoon, with the City paying about 25% and UTA paying about 75%. It has been proposed to continue that shuttle year round, due

to the growth and development in the area. It already has high ridership. UTA is looking into it, and the City is supportive of that, although the City still has to work out the math. UTA has proposed Farmington as a beta site for busses with a unique trolley look. UTA will purchase the bus, and the City will still pay for about 25% of the cost. They are looking at a smaller 29' bus instead of a full 35' bus. **Brigham Mellor** asked if it would still be free. **Dave Millheim** said they are still looking into the math, but it may remain free of charge, it may require a \$1 fee. They may also adjust the route slightly. They may also look for corporate sponsors to help offset the cost.

4. He reminded the Council that the City is a cosponsor of the ICSC conference being held at Station Park this year. The City will have 15 minutes to make a presentation about Farmington.

Cory Ritz

1. He has spoken with the Mayor, and will be talking with Parks and Rec about giving Amy Shumway a booth for at Festival Days to solicit funding for the bridge project.
2. A neighbor on 500 South and about 750 West, is having flooding issues due to a detention basin that is full. **Dave Millheim** said he will look into it.
3. He said they installed power poles along 650 West, and some of them seem to be out of alignment, and perhaps encroaching in the right of way.

Brigham Mellor

He reminded the Council that he will be absent from the next City Council meeting due to a trip.

Bret Anderson

He got an email from an angry citizen about the Mercedes-Benz dealership coming in. He asked if there is a resource for citizens to understand how the City gets revenue from commercial developments. **Dave Millheim** said Keith has made several budget charts that explain the City's budget, which can be put on the website.

Mayor Jim Talbot

1. Board of Adjustment Appointments: extending Jason Williams' appointment for another 5 years.
2. Trails Committee Chair and Historic Preservation Chair: He said last year they changed the Youth City Council chair, and this year they decided to change the Trails Committee and Historic Preservation Chairs. He proposed appointing **Ron Robinson** as the new Trails Committee chairman, and he proposed appointing **John Anderson** as the new Historic Preservation chairman. He asked Alisa Revell to replace him as the chairperson in charge of the interior design of City Hall. He asked her to put together a committee to finish the décor inside. All Councilmembers gave their thumbs up. These new appointments will take effect March 1, 2016. He asked George Chipman and Alisa Revell to stay in contact with their respective former committees on a consulting basis. **Doug Anderson** thanked George Chipman for his work on the Trails Committee and for mentoring him as he served on that committee.

Council member **Doug Anderson** did not have anything to report at this time.

ADJOURNMENT

Motion:

At 10:25 p.m., **Cory Ritz** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.


Holly Gadd, City Recorder
Farmington City Corporation